

Submission to the MMO in respect of application: MLA/2012/00259/6

From: North Somerset Green Party

I am submitting this representation on behalf of North Somerset Green Party and I have its permission to give its views.

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North Somerset Green Party (NSGP) objects to this licence application. It provides below its reasons.

The terms of reference for the licence application

The MMO states that¹: *'In deciding an application, we must consider all relevant matters including the need to:*

- *protect the environment*
- *protect human health*
- *prevent interference with legitimate uses of the sea.*

In this context, the environment includes sites of historic or archaeological interest as well as natural habitats and species. You (the applicant) are responsible for providing sufficient information with your application in order for us to assess it. This must include details about the activities you wish to carry out as well as information on the likely impacts associated with them.'

NSGP argues that, based on the reasons given below, that there is a lack of sufficient information with this application, particularly with regard to the likely impacts associated with the activities that EdF wishes to carry out.

NSGP also notes that the MMO is bound to follow what is termed 'the precautionary principle'. The MMO website² describes this as follows: 'The precautionary principle is applied when making licensing decisions in such circumstances and prevents a lack of scientific certainty to be used as a reason to postpone cost-effective measures to prevent environmental harm. In certain circumstances the MMO can ask Defra Ministers if they want to hold a public inquiry and then decide an application themselves.'

The concerns listed below clearly indicate that the MMO's precautionary principal criteria must be invoked. Further, in the absence of the required "scientific certainty" in many areas, a public inquiry

¹ <https://www.gov.uk/guidance/make-a-marine-licence-application>, 26th March 2021

² <https://www.gov.uk/guidance/make-a-marine-licence-application>, 26th March 2021

is now required to clarify these issues and generate the required degree of scientific certainty necessary for a clear and well-informed decision-making process to be conducted.

Accordingly, NSGP requests that:

- a. the MMO refer this application to Government Ministers. They should decide whether to set up a Public Inquiry in order to clarify both the scientific and technical issues and the strategic and policy issues.
- b. the MMO commission a full and detailed Environmental Impact Assessment (EIA) to provide the appropriate level of high quality, detailed scientific evidence to inform a Public Inquiry.

The NSGP objection is based on the following:

1. **Radioactivity:** we understand that Natural Resources Wales (NRW) are asking the Centre for Environment, Fisheries, and Aquaculture Science (CEFAS) to improve their sampling and testing methodology following in-depth information provided by experts to NRW. NRW are also asking for a full EIA on any further proposals to dispose of sediment into Welsh waters.

NSGP considers that Portishead dredge and disposal sites are no less deserving of an EIA.

2. **Marine ecology:** in Section 5 of the EdF 'EIA non-technical summary on disposal at Portishead'³, EdF states 'A desk study was carried out to assess the impact the Proposed Scheme would have on marine ecology. Data has been sourced from numerous publicly available sources'. It is understood that no 'on the ground' work on the specifics of the Portbury Wharf Nature Reserve or Salt Marshes sites have been carried out. This section of the report concludes: 'The existing marine ecology environment around the Disposal Site and the wider Severn Estuary is not expected to change as a result of the Proposed Scheme. The impacts of the Proposed Scheme will be of a temporary nature with no long-term significant effects predicted.'

There is no indication of the nature of these 'temporary impacts' or their longevity. What does EdF consider to be the nature of these 'temporary impacts' or their longevity? In the view of NSGP a full EIA should be carried out.

3. **Marine Physical Processes:** in Section 7 (ibid), EdF conclude (with NSGP questions in bold italic): 'Most impacts on marine physical process as a result of the Proposed Scheme would be negligible (***so some would be?***). The suspended sediment concentration of the plume associated with the Proposed Scheme is small compared to the natural variation in background suspended sediment concentration. There is the potential for the placement of dredged material from the Proposed Scheme to increase bed level at the Disposal Site, although it has been assessed to only be significant in the short-term (***what is the period of 'short-term'?***), with no long-term impacts anticipated (***what would/could be the impact?***).

³ https://www.edfenergy.com/sites/default/files/43511-wood-xx-xx-rp-o-0005_a_c01.2_-_mmo_nts.pdf, 26th March 2021

To minimise potential changes to the bed level, monitoring of the Disposal Site pre- and post-disposal activity will be agreed with the Marine Management Organisation, if required’.

EdF are offering to carry out pre-and post-disposal activity monitoring in this instance. Yet they are not offering to do baseline tests generally (see point 5 below). Does this indicate some real concern about the bed level at the disposal site?

- 4. Shipping and Navigation:** Section 9 (ibid) states: ‘Vessel movements associated with the disposal of dredged material may lead to disruption to commercial vessel routing and subsequently could increase collision risk, particularly in higher density shipping areas.’. Given that LU070 is just off Battery Point, this is clearly relevant for Portishead.

There is no assessment of this collision risk and potential impact – why not?

- 5. Baseline tests:** Baseline tests are required. Without these, it will not be possible to identify the impact of the disposal on the Portishead site and its surrounding areas/atmospheres. These have not been carried out by EdF on the Portishead site and areas/atmospheres likely to be affected by the deposit of sediment.

A full EIA is required, in part, to enable follow-up testing to be conducted should the license be granted.

- 6. Alternative methods of disposal for this sediment:** there is a lack of coherent and clear explanation for the process of choice of dredge waste disposal sites. NSGP understands that, initially, EdF had committed to the disposal within the Hinkley sediment region (subject to meeting the MMO Criteria). Then EdF decided to use the Cardiff Grounds site.

No information has been provided to explain which of the MMO criteria had been failed and thus prohibited the disposal of the wastes “within the Hinkley sediment” region.

The Environment Agency has proposed the use of Holm Deep, an offshore site in the centre of the Bristol Channel/Severn estuary, distant from any coastline (unlike both the Cardiff Grounds and the Portishead site) and otherwise, it is understood, very suitable for the disposal. This was rejected by EdF, in a presentation to Portishead Town Council, on the grounds that they are bound to dispose within the Severn Estuary Special Area of Conservation. However, it is understood that Holms Deep lies within this latter area.

The rejection, by EdF, of the offer of Holm Deep as a disposal site, despite the advantages of its distance from vulnerable intertidal zones, inshore fisheries and coastal communities and a strongly “dispersive” environment, has never been examined or reviewed.